

MEMO ENDORSED

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**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

NATIONAL LABOR RELATIONS BOARD,

Applicant,

v.

**CHARLES THOMAS SCHMIDT;
PARTY SHUTTLE TOURS, LLC;
CITY INFO EXPERTS, LLC;
UNIVERSAL SMART CONTRACTS, LLC;**

Respondents.

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No. 1:23-mc-51 (VEC)

**NOTICE OF MOTION OF THE NATIONAL LABOR RELATIONS BOARD
TO LIQUIDATE ATTORNEYS' FEES AND COSTS**

PLEASE TAKE NOTICE that counsel for Applicant National Labor Relations Board (“the NLRB”), an administrative agency of the Federal Government, respectfully moves this honorable Court to enter an order liquidating the specific amount of attorneys’ fees and costs incurred in connection with the underlying litigation in this matter. The NLRB further recommends that such judgment be levied, jointly and severally, against Respondents Charles Thomas Schmidt (“Mr. Schmidt”), Party Shuttle Tours, LLC (“Party Shuttle”), City Info Experts, LLC (“City Info Experts”), and Universal Smart Contracts, LLC (“Universal Smart Contracts”) (collectively “Respondents”). The NLRB’s request is initiated pursuant to the November 16, 2023 Order of this Court [ECF No. 22] and is supported by Fed. R. Civ. P. 37 and 45.

PLEASE TAKE FURTHER NOTICE that in support of this Motion, the NLRB shall rely upon the accompanying Memorandum of Law in Support and Affidavits of its attorneys. A proposed form of Order has also been submitted in support of this Motion.

PLEASE TAKE FURTHER NOTICE that opposition, if any, to the relief herein shall be in writing, filed with the Clerk of the District Court and served upon the undersigned no later than fourteen (14) days after the filing of this Motion pursuant to L. Civ. R. 6.1(b).

WHEREFORE, Applicant, the NLRB respectfully prays that an Order issue awarding the NLRB attorneys' fees and costs in the amount of \$37,154.42 and directing Respondents to pay, jointly and severally, such amount to the NLRB.

A memorandum in support of this Motion and proposed order are submitted herewith for the Court's consideration.

Dated this 31st day of January, 2024
at Washington, D.C.

Respectfully submitted,

NATIONAL LABOR RELATIONS BOARD

/s/ David P. Boehm

DAVID P. BOEHM

Trial Attorney (D.C. Bar 1033755)

Tel: (202) 273-4202

david.boehm@nrlrb.gov

AMANDA LEONARD

Trial Attorney

PAUL A. THOMAS

Supervising Attorney

Contempt, Compliance, &
Special Litigation Branch
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20003
Fax: (202) 273-4244

Notwithstanding Respondents' notice of appeal, *see* Not. of Appeal, Dkt. 25, the Court retains jurisdiction to decide the NLRB's motion, *see Tancredi v. Metro. Life Ins. Co.*, 378 F.3d 220, 225 (2d Cir. 2004) (“[N]otwithstanding a pending appeal, a district court retains residual jurisdiction over collateral matters, including claims for attorneys' fees.” (citations omitted)).

Respondents' deadline to respond is **Wednesday, February 14, 2024**. The NLRB's reply deadline is **Wednesday, February 21, 2024**.

SO ORDERED.

 02/01/2024

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE